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July 1, 2024

VIA CM/ECF

The Honorable Lewis J. Liman
United States District Court
Southern District Of New York
500 Pearl Street, Ste 8
New York, NY 10007

Re: Trucking Association of New York v.
Metropolitan Transportation Authority, et al., 24-
cv-04111-LJL
Our File: 41129

Dear Judge Liman:

As the Court is aware, this office represents plaintiff Trucking Association of New York (“TANY”) relative to the above-referenced matter. Please accept this correspondence in response to the Court’s Text Order (Docket number 39) of June 12, 2024.

On June 11, 2024, counsel for the Metropolitan Transportation Authority (“MTA”) requested that they be given until July 1, 2024, to speak to their client and thereafter confer with our office, and the Attorney General, to establish a plan and schedule for briefing the above litigation, and the pending request for a preliminary injunction. This proposal was put forth as the MTA and TBTA Boards were scheduled to meet on June 26, at which time the future of the Central Business District Tolling Program (“Tolling Program”) would be discussed.

The MTA and TBTA Boards did meet on June 26, and a vote was held which led to the continued indefinite suspension of implementation of the Tolling Program.

I participated in a meet and confer phone conference with MTA counsel and the Attorney General on Thursday June 27, 2024 at which time the topic of the status of the Tolling Program was discussed, as well as options for handling TANY’s pending motion for a preliminary injunction.

I advised that TANY is amenable to an adjournment of that motion in light of the fact that the future of the Tolling Program remains unknown. To account for that uncertainty, while

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also preserving all parties' respective rights to a fair hearing on the motion, I proposed a briefing schedule that would apply in the event that a new implementation date for the Tolling Program is established.

Specifically, on June 27 I proposed that TANY would file any amendment or supplementation to its existing motion ninety days¹ prior to implementation, defendants would file their oppositions to TANY's motion sixty days prior to implementation, and TANY would file its replies thirty days prior to implementation.

The rationale for this briefing schedule is that it would provide all parties with reasonable opportunity to fully brief and address opposing parties' positions, and importantly it would provide the Court with thirty days to consider all papers and arguments prior to the implementation date.

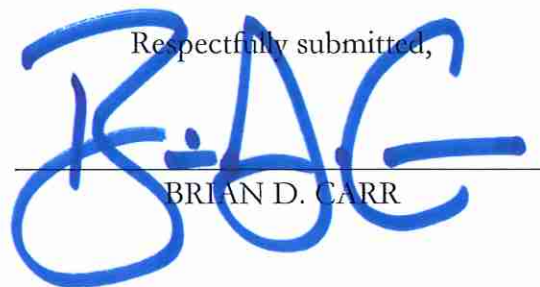
Via email on today's date, counsel for the MTA initially advised that they did not agree to this proposal and would not provide more than 30 days' notice. However, counsel for MTA later advised that they would agree to a "60-day notice period if it is practicable."

Unfortunately, this proposal is indefinite and will not allow the Court to specify a date certain for the filing of opposition to TANY's motion, which was what the Court requested in its June 12 Text Order.

We remain of the belief that our proposal set forth above is reasonable, allows all parties and the Court flexibility to account for future circumstances, and provides predictability for the further handling of the pending preliminary injunction request.

As of the time of this filing, despite the best efforts of all parties, we have been unable to come to a mutually agreeable briefing schedule, and thus it appears that Your Honor's assistance will be required.

Respectfully submitted,



BRIAN D. CARR

¹ TANY would only file such amendment or supplementation to address any changes that were not a part of the originally contemplated Tolling Program and assumes that TANY will receive adequate notice of the implementation date such that it can reasonably amend/supplement its motion to comply with the ninety-day deadline.